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SENATE BILL 299

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO DOMESTIC AFFAIRS; CLARIFYING THE ABILITY OF A  
JUDICIAL DISTRICT TO ESTABLISH A SAFE EXCHANGE AND SUPERVISED  
VISITATION PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-12-1 NMSA 1978 (being Laws 1987,  
Chapter 153, Section 1) is amended to read:

"40-12-1. SHORT TITLE.--~~[This act]~~ Chapter 40, Article 12  
NMSA 1978 may be cited as the "Domestic Relations Mediation  
Act"."

Section 2. Section 40-12-5.1 NMSA 1978 (being Laws 2001,  
Chapter 201, Section 2) is amended to read:

"40-12-5.1. SUPERVISED VISITATION PROGRAM.--

A. A judicial district may establish a "safe  
exchange and supervised visitation program" by local court rule

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1 approved by the supreme court. The safe exchange and  
2 supervised visitation program shall be used when, in the  
3 opinion of the court, the best interests of the child are  
4 served if confrontation or contact between the parents is to be  
5 avoided during exchanges of custody or if contact between a  
6 parent and a child should be supervised. In a safe exchange  
7 and supervised visitation program, the district court may  
8 employ or contract with a person:

9 (1) with whom a child may be left by one  
10 parent for a short period while waiting to be picked up by the  
11 other parent; or

12 (2) to supervise visits among one or both  
13 parents and the child.

14 B. A parent may request the services of the safe  
15 exchange and supervised visitation program or the court may  
16 order that the program be used.

17 C. Parents shall pay the cost of the [~~neutral~~  
18 ~~corner~~] safe exchange and supervised visitation program  
19 pursuant to a sliding fee scale approved by the supreme  
20 court. The sliding fee scale shall be based on ability to  
21 pay for the service. The fees shall be paid to the district  
22 court to be credited to the fund."